

REMARKS

Claims 9, 15 and 21-32 are pending in this application. Attached hereto is a complete listing of all claims in the application, with their current status listed parenthetically. By this Response, no claims have been amended, cancelled or withdrawn.

Rejection Under 35 U.S.C. § 102(b)

In the Office Action, claims 9, 15 22-28 and 30-31 stand rejected as anticipated by Retrogames X-Arcade Review ("Retrogames").

Applicant respectfully traverses this rejection because the Retrogames reference cannot be considered as prior art for making a *prima facie* case of unpatentability. Specifically, the Retrogames reference has a publication date of December 24, 2001. Applicant's application claims priority to provisional application serial no. 60/218,308 filed July 14, 2000. Applicant's priority date is prior to the Retrogames publication date.

Moreover, in Applicant's prior Response, mailed October 31, 2005, Applicant submitted a Declaration under 37 C.F.R. 1.132 declaring that Christopher Gerding, the only named inventor of the instant application, conceived of the invention in 1998, and reduced it to practice while exercising the requisite due diligence in his home's private garage where, from conception in 1998 to reduction to practice in 1999, he privately constructed a experimental prototype of the invention. The invention was then displayed to the public in 1999, and on July 14, 2000, a provisional patent application was filed less than one year from the first public display of the invention.

In view of the above discussion, Applicant respectfully submits that the Section 102(b) rejection of claims 9, 15 22-28 and 30-31 have been traversed.

Rejection Under 35 U.S.C. § 103(a)

In the Office Action, claims 21, 29 and 32 stand rejected as unpatentable under 35 U.S.C. § 103(a) over Retrogames in view of U.S. Patent 5,874,906 ("Willner").

As discussed above, the Retrogames reference cannot be considered as prior art for making a *prima facie* case of unpatentability. Because Willner fails to provide the teachings in the Retrogames reference, Applicant respectfully traverses this rejection and respectfully requests the Examiner to reconsider and withdraw the rejection.


Conclusion

Applicant believes that this Response has addressed all items in the Office Action and now places the application in condition for allowance. Accordingly, favorable reconsideration and allowance of claims 9, 15 and 21-32 at an early date is solicited. Should any issues remain unresolved, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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Date



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